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RESPONSE DATE: October 15, 2019

In re:

Debtors.

TRUSTEE'S OBJECTION TO CONFIRMATION WITH STRICT COMPLIANCE

BACKGROUND

TRUSTEE'S OBJECTION TO CONFIRMATION
WITH STRICT COMPLIANCE - 1

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

OBJECTION

☒ Plan is not feasible:

Debtors have not starting making plan payments. *See* attached Declaration. Before confirmation, a debtor must demonstrate that “the debtor will be able to make all payments under the plan.” 11 U.S.C. § 1325(a)(6). Debtors’ lack of plan payments demonstrates that Debtors’ lack the ability to make the required payments under the plan.

☒ Schedules or other documentation insufficient:

(1) Debtor has not yet provided Trustee with copies of their bank statements covering the date of filing pursuant to Fed. R. Bankr. P. 4002. Specifically, for the checking and savings accounts held at Alaska. Credit Union, Denali Credit Union, and IBEW Credit Union. Confirmation should be denied until such time as Debtor has complied with this requirement.

(2) Trustee has requested, but not yet received, a copy of Mr. Hardie’s domestic support order.

(3) Trustee has requested, but not yet received, evidence of the cash surrender value of Debtors’ whole life insurance policy.

WHEREFORE, Trustee requests that the objection to confirmation be sustained and debtors be ordered to file a motion to confirm a plan resolving the issues raised herein within 14 days of entry of the Order Sustaining Trustee’s Objection to Confirmation; and to set the hearing on the next available motion calendar after the 14 days expires. If the Motion to Confirm resolving the Trustee’s issues is not filed and set for hearing as outlined above, the Trustee requests he be allowed to enter an order dismissing the case, *ex parte*, without notice.

DATED this 4th day of October, 2019.

/s/ Mathew S. LaCroix

Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee

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Orland Wayne Hardie, III
Stacy leigh Helmer-Hardie
21515 – 82nd Ave. Ct. E.
Spanaway, WA 98387

Ellen Ann Brown
U.S. Trustee

/s/ Tracy Maher
Tracy Maher
Motion Coordinator for
Chapter 13 Trustee

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600